

Application No. 09/827,509
Response Dated August 24, 2005
Reply to Office Action of May 24, 2005

REMARKS

I. Summary of Office Action

Claims 1-9, 12, 17-22, 30, and 31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gordon U.S. Patent No. 2,271,508 (hereinafter "Gordon"). Claims 10, 11, 13-16, 23-29, and 32-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Gordon and U.S. Patent No. 5,573,244 to Mindes (hereinafter "Mindes").

II. Summary of Applicants' Reply to Office Action

Applicants have amended claims 1, 9, 17, 24, 25, 27, 28, 31, 32, 40, 48, and 59 to more particularly define the present invention. The claim amendments are fully supported by the originally-filed specification.

The May 24, 2005 Office Action's rejections of applicants' claims are respectfully traversed.

III. The 35 U.S.C. § 102 Rejection

The Office Action rejected claims 1-9, 12, 17-22, 30, and 31 under 35 U.S.C. § 102(b) as being anticipated by Gordon. Applicants respectfully traverse this rejection.

Independent claim 1 is generally directed toward a method for providing the projected effects of wagering on

parimutuel pools to a user in an interactive wagering application. User input to propose a wager that is associated with at least one parimutuel pool is received. Based on the user input, information that affects the user's potential winnings is obtained and the projected effect the user's proposed wager would have on the parimutuel pool is provided to the user.

Similarly, independent claim 17 is generally directed toward a method for providing the projected effect of wagering on odds associated with a proposed wager. User input to create a proposed wager that is associated with at least one parimutuel pool is received. Parimutuel pool information and current odds for the proposed wager are both obtained. What effect the proposed wager would have on the current odds is determined, and the projected odds are provided to the user.

Applicants have amended independent claims 1 and 17 to additionally specify that the information is obtained "from the at least one parimutuel pool" and "over a communications link." Support for these amendments may be found in applicants' specification, e.g., at page 6, line 22 - page 9, line 32, page 10, lines 19-28, page 22, line 11 - page 23, line 19, and FIGS. 1-3, 16, 17A, and 17B.

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Gordon describes an electrical circuit that calculates odds and wager totals for horses based on wagers that have been inputted into the circuit.

Applicants submit that independent claims 1 and 17, as amended, are not anticipated by Gordon. Namely, applicants' claimed invention requires obtaining information from at least one parimutuel pool over a communications link. In Gordon's calculating device, it may be possible to consider the resistance bridge circuits as representing a parimutuel pool. For example, odds and wager information are determined from the resistance values within the various arms of the circuit. However, Gordon does not show or suggest transmitting information, or receiving any information from, outside the circuit. Therefore, Gordon fails to show or suggest obtaining information from at least one parimutuel pool over a communications link, as in applicants' claimed invention.

Moreover, applicants continue to respectfully disagree with the Office Action's contention that Gordon shows a method for providing the projected effects of wagering on parimutuel pools based on a user's proposed wager. In support of this disagreement, applicants hereby incorporate by reference the remarks presented in the March 16, 2005 Reply to Office Action

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and briefly summarize those remarks. Gordon simply discloses providing current parimutuel pool odds based on bets that have been inputted into Gordon's circuit. More specifically, applicants submitted in the previous Reply that Gordon fails to show or suggest that the inputted bet is a "proposed" bet. A proposed bet is a bet that has not been placed -- e.g., a bet that has not been finalized by a user. (See applicants' specification, e.g., step 1732 of FIG. 17B).

For at least the foregoing reasons, applicants submit that independent claims 1 and 17 are patentable over Gordon. Applicants further submit that claims 2-9, 12, 18-22, 30, and 31, which depend from independent claims 1 and 17, are also patentable over Gordon for at least the same reasons as their respective base claims.

IV. The 35 U.S.C. § 103 Rejections

The Office Action rejected claims 10, 11, 13-16, 23-29, and 32-62 35 U.S.C. § 103(a) as being unpatentable over Gordon in view of Mindes.

A. Dependent Claims
 10, 11, 13-16, and 23-29

Claims 10, 11, 13-16, and 23-29 are dependent from claims 1 or 17. Accordingly, applicants submit that these claims are patentable for at least the same reasons as described above with regard to the rejection under 35 U.S.C. § 102(b).

B. Independent Claims 32 and 48

Independent claims 32 and 48 are generally directed to systems for providing to a user what projected effect wagering would have on parimutuel pools (claim 32) or on current odds associated with a proposed wager (claim 48). A user input device receives user input to propose a wager that is associated with at least one parimutuel pool. Circuitry is configured to obtain information and either display what projected effect the user's proposed wager would have on the at least one parimutuel pool (claim 32) or display projected odds to the user (claim 48).

Applicants have amended independent claims 32 and 48 to require that the information is obtained "from the at least one parimutuel pool" and "over a communications link." Support for these amendments may be found in the applicants' specification, e.g., at page 6, line 22 - page 9, line 32, page

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10, lines 19-28, page 22, line 11 - page 23, line 19, and FIGS. 1-3, and 16.

The Examiner states that independent claims 32 and 48 are merely restatements of method claims 1 and 17 that further specify electronic circuitry to perform the claimed functions. (See May 24, 2005 Final Office Action, page 5). As demonstrated above, Gordon does not show or suggest transmitting information, or receiving any information from, outside the circuit. Therefore, Gordon fails to show or suggest obtaining information from at least one parimutuel pool over a communications link, as in applicants' claimed invention.

The Examiner merely relies on Mindes for showing the use of "an electronic digital computer to perform such functions" (May 24, 2005 Final Office Action, page 5). Accordingly, even if it were obvious to modify the teachings of Gordon with the teachings of Mindes, the combination would still fail to show all of applicants' claimed limitations. Namely, neither Gordon nor Mindes, taken alone or in combination, show or suggest obtaining information from at least one parimutuel pool over a communications link.

Therefore, applicants submit that independent claims 32 and 48 are patentable over Gordon and Mindes. Applicants

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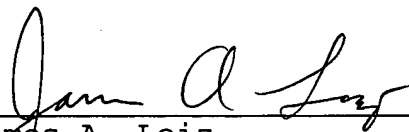
further submit that claims 33-47 and 49-62, which depend from independent claims 32 and 48, are also patentable for at least the same reasons as their respective base claims.

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V. Conclusion

The foregoing demonstrates that claims 1-62 are patentable. This application is therefore in condition for allowance. Reconsideration and allowance of this application are accordingly respectfully requested.

Respectfully submitted,



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